

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHARLES DAVID BROOKS, #1043239 §
VS. § CIVIL ACTION NO. 6:15cv861
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

Petitioner Charles Brooks, proceeding *pro se*, filed this petition for writ of habeas corpus under 28 U.S.C. § 2254 complaining about the of prison disciplinary measures against him. The cause of action was referred for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

After a review of the pleadings and the records, the Magistrate Judge issued a Report on April 24, 2018, (Dkt. #24), recommending that Brooks' petition be dismissed with prejudice. A copy of this Report was sent to his address; return receipt requested. The docket shows that Brooks received a copy of the Report on April 30, 2018, (Dkt. #25). However, to date, no objections have been filed.

Accordingly, Brooks is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243

(1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. #24), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's federal petition for a writ of habeas corpus is **DISMISSED** with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So **ORDERED** and **SIGNED** this **3** day of **July, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge